United Nations S/AC.51/2011/2

Security Council

Distr.: General
1 March 2011

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Somalia

1. At its 28th meeting, on 22 December 2010, the Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in Somalia (S/2010/577), covering the period from 31 May 2008 to 31 March 2010, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Somalia to the United Nations participated in the subsequent discussion.

2. The members of the Working Group welcomed the report of the Secretary-General in accordance with Security Council resolutions 1612 (2005) and 1882 (2009), and responded favourably to the analysis and recommendations contained therein.

3. They expressed grave concern about violations and abuses committed against children in Somalia, in contravention of applicable international law, in particular the recruitment and use of children by all parties to the conflict, the sexual violence perpetrated against children, the killing and maiming of children, the attacks on schools and hospitals and the denial of humanitarian access to children.

4. They also expressed concern about the rise in maritime piracy and the use of children in piracy.

5. They welcomed the visit to Somalia of the Special Representative for Children and Armed Conflict on 3 November 2010 and the subsequent appointment by the Transitional Federal Government of Somalia of a high-level focal point to work with the United Nations towards the development of an action plan to address the recruitment of children, and urged the Transitional Federal Government to take concrete measures to end such recruitment and to take action against perpetrators.

6. They also welcomed the engagement of the African Union Mission in Somalia (AMISOM) in the development of standard operating procedures for caring for and arranging the handover of defecting and captured children entering their custody.

7. They observed that the Working Group should seek to exchange pertinent information on violations against children in Somalia with the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea so as to better protect children's rights.

Please recycle

8. The Permanent Representative of Somalia:

(a) Reaffirmed the commitment of the Transitional Federal Government to cooperate with the Working Group and the Special Representative of the Secretary-General and to implement the recommendations of the Secretary-General and the conclusions of the Working Group;

(b) Noted that a committee to address child protection issues had been formed and was chaired by State Minister Zahra Ali Samantar, high-level focal point for human rights and child protection;

(c) Also noted that the Transitional Federal Government had established, in conjunction with AMISOM, several camps for the rehabilitation and protection of children who had been recruited or were facing the threat of recruitment;

(d) Expressed the view that children associated with piracy should not be tried in court, but should be rehabilitated and reintegrated into society.

9. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to the following direct action.

Public statement issued by the Chairman of the Working Group

10. The Working Group agreed to address a message to all parties to the armed conflict in Somalia, in particular those groups mentioned in the report of the Secretary-General on children and armed conflict, through a public statement by the Chairman of the Working Group:

(a) Expressing deep concern about the continuing violations and abuses committed against children in Somalia by parties to the conflict and urging the immediate implementation of all previous conclusions of the Working Group on children and armed conflict in Somalia (S/AC.51/2007/14 and S/AC.51/2008/14);

(b) Recalling the Working Group's strong condemnation of the recruitment and use of children by all non-State parties to the conflict, particularly Al-Shabaab, and all other violations and abuses committed against children in Somalia, and calling upon all parties to immediately halt the recruitment and use of children, in violation of applicable international law, and to ensure their immediate release;

(c) Expressing deep concern about the killing and maiming of children and other civilians, in violation of applicable international law, in the course of military operations, reminding all parties to the conflict of their obligations under international law and urging them to make all efforts to protect children through strict adherence to the principles of international humanitarian law in the conduct of hostilities;

(d) Strongly urging Al-Shabaab, Hizbul Islam, clan militias and all other armed groups to immediately and without preconditions cease the recruitment and use of children, release children associated with armed groups, enter into dialogue with the United Nations and prepare time-bound action plans in line with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), and expressing concern in that regard about the impact on children of the announced merger of Al-Shabaab and Hizbul Islam;

(e) Expressing deep concern about efforts made by Al-Shabaab to punish teachers and parents who refuse to send children to military training camps;

(f) Expressing concern about cases of rape and sexual violence perpetrated against children, especially in camps for internally displaced persons;

(g) Also expressing concern about the continuing lack of humanitarian access in Somalia and its detrimental impact on millions of children, particularly in the central and southern regions, and calling upon all parties to the conflict to ensure unhindered and safe humanitarian access to children, respect the exclusively humanitarian nature and impartiality of aid and respect the work of all humanitarian organizations, without distinction;

(h) Calling upon all parties to the conflict to immediately cease attacks or the threat of attacks against and the occupation of schools and hospitals, in contravention of applicable international law, and to maintain the neutrality and security of civilian institutions that provide shelter and tend to the needs of children, in accordance with international humanitarian law.

Recommendations to the Security Council

11. The Working Group agreed to recommend the following to the Security Council:

Letter to the Transitional Federal Government

(a) Welcoming the designation of a high-level focal point to work with the United Nations towards the development of an action plan to address the recruitment of children, and urging the Transitional Federal Government to take concrete measures to end such recruitment, in violation of applicable international law, and to take action against perpetrators;

(b) Expressing deep concern about the killing and maiming of children and other civilians, in violation of applicable international law, in the course of military operations, reminding the Transitional Federal Government of its obligations under international law and urging it to make all efforts to protect children through strict adherence to the principles of distinction and proportionality in the conduct of hostilities;

(c) Calling upon the Transitional Federal Government to actively seek to identify and release unconditionally all children associated with its armed forces and its allied militias and to continue to engage in dialogue with the United Nations towards the preparation and implementation of an action plan to halt the recruitment, use, killing and maiming of children, in contravention of applicable international law, as well as the perpetration of rape and other forms of sexual violence against children, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(d) Strongly encouraging the Transitional Federal Government to do the following:

(i) To launch investigations into all incidents of grave violations of children's rights and to ensure that all individuals responsible for such violations are held accountable;

(ii) To follow through, as early as possible, on its stated intention to ratify the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict;

(iii) To combat, with the assistance of the international community, the trafficking in small arms and light weapons;

(iv) To take all appropriate measures to strengthen national institutions to increase child protection, law enforcement and judicial capacities;

(e) Encouraging the Transitional Federal Government to move forward in the peace process with a view to improving the overall security environment and, in particular, the protection and well-being of children in Somalia.

Letter to the Secretary-General

(a) Commending the establishment of the country-level task force on monitoring and reporting at the highest level, and requesting the Secretary-General to strengthen monitoring and reporting of the situation of children in Somalia and, through the established country-level task force, to support the Transitional Federal Government in the preparation of a time-bound action plan to end the recruitment and use of child soldiers and to conduct a dialogue with all other stakeholders, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(b) Inviting the Secretary-General to strengthen the child protection component of the United Nations Political Office for Somalia and to include information on this aspect in his next report to the Security Council, to be submitted in April 2011, in accordance with paragraph 20 of resolution 1910 (2010);

(c) Inviting the Secretary-General and the United Nations country team to explore ways to engage in a dialogue with non-State armed groups for the purposes of child protection in the context of the cooperation framework between the United Nations and the Transitional Federal Government, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009);

(d) Inviting the Secretary-General to request the United Nations Development Programme, the United Nation's Children's Fund, other relevant United Nations agencies and the independent experts of the Human Rights Council, within their respective mandates, to assist the Transitional Federal Government of Somalia in strengthening national institutions, providing further assistance in the implementation of rehabilitation and reintegration programmes and strengthening the education system, including in conflict-affected areas.

To the Security Council

(a) Recommending that the Security Council continue to take into due consideration the situation of children and armed conflict in Somalia;

(b) Encouraging the Security Council to strengthen the child protection component of the United Nations Political Office in Somalia, in accordance with paragraph 16 of resolution 1964 (2010);

(c) Inviting the Security Council to transmit the present document to the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

Letter to the President of the African Union Peace and Security Council and the Chairperson of the Commission of the African Union

(a) Welcoming the commitments made by the African Union and AMISOM to support and develop child protection focal points within their structures to contribute to training, capacity-building, advocacy and monitoring efforts on violations committed against children, and urging them to take necessary steps in that regard;

(b) Strongly encouraging the African Union to include in the AMISOM mandate specific provisions for the protection of children and civilians, including through the designation of child protection focal points and the establishment of mechanisms for the monitoring and reporting of violations against children;

(c) Noting that the above-mentioned provisions should be accompanied by the requisite support, capacity and oversight, including training on international humanitarian law, human rights law and best practices for child protection;

(d) Welcoming the development of standard operating procedures for caring for and arranging the handover of children who have escaped from armed groups or have been captured by AMISOM;

(e) Encouraging the African Union to ensure that AMISOM troops adhere to their rules of engagement in ensuring the protection of children during their separation from armed groups.

Letter to the Government of Kenya

Urging the Government to investigate the alleged recruitment of Somali children from refugee camps in Kenya and to implement necessary safeguards to ensure increased security and protection of the civilian populations in and around refugee camps.

Letter to the Chair of the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

(a) Recalling paragraph 7 (b) of resolution 1882 (2009), by which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;

(b) Proposing that the Special Representative of the Secretary-General for Children and Armed Conflict participate in the next meeting of the Committee and coordinate with the Monitoring Group on Somalia with a view to exchanging information with members of the Committee on individuals and entities that threaten the peace, security or stability of Somalia by committing violations against children in Somalia and on ways to better protect children's rights.

Direct action by the Working Group

12. The Working Group also agreed that letters from its Chairman should be addressed to the World Bank and donors:

(a) Highlighting the critical need to mobilize resources in support of the child protection emergency programme in general and the monitoring and reporting mechanism in particular;

(b) Encouraging the donor community to dedicate adequate and timely resources to Somalia for child protection, and recommending that donors emphasize strengthening local capacity in monitoring, reporting, advocacy, prevention activities and response to child rights violations within the country and in settlements for internally displaced persons and returnees;

(c) Requesting donors to allocate funding to support reintegration activities for children formerly associated with armed forces and other child protection programmes.